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BOOK REVIEWS

CASES ON THE CONFLICT OF LAWS

Third Edition, By Ernest R. Lorenzen. West Publishing Co., St. Paul, 1932. Pages 30-1118.

This book, in its third edition, remains a case book. It is not a combined case and textbook masquerading, in deference to a tradition, as "cases and materials." It contains cases and brief notes, and does not include long essays by the editor or excerpts from text books or law reviews.

The cases are mostly American cases and of comparatively recent date. More than sixty of them were decided since the second edition was published in 1924. The inclusion of such cases as *Pennoyer v. Neff*, *Massie v. Watts*, *Dobson v. Pierce*, *Huntington v. Atrell*, *Baltimore & Ohio R. R. Co. v. Baugh*, *Leronx v. Brown*, *Haddock v. Haddock*, etc., indicates, however, that there has been no abandonment of landmarks merely for the sake of novelty. The cases have been freely edited.

The notes are brief and for the most part of the "noted in," "see also," "as to the law," type. They contain many references to law reviews but practically none to textbooks. It is rather remarkable that they contain no references to the Restatement as the editor is one of the advisers. Whether this is due to the editor's disapproval of the Restatement or to his modesty, or his belief that Restatement might be used as a "trot" for the translation of the cases, is not stated.

If it may be said that the editor has followed an out-moded technique in preparing what is strictly a case book, it may also be said that he has achieved a modernistic attitude by adopting in a measure the functional approach. As a result such general categories as "domicil," "procedure" and "property" have been abandoned, and an attempt has been made to develop all rules of the conflict of laws in connection with the particular fact situations to which they relate.

The arrangement of the material differs in many respects from that of the previous edition. The introductory chapter on the "Nature of the Subject" which appeared in the second edition has been omitted. The chapter on jurisdiction has been made the first chapter and the former chapter on "Foreign Judgments" has been made a part of it.

Torts and contracts which were formerly treated in a chapter on "Obligations" are made separate chapters. Workmen's Compensation, which was formerly treated as a section of the chapter on Obligations is appended to the section on Torts. New sections on Insurance, Arbitration Agreements and Trust Estates and a long chapter on Business Organizations have been added.

The matter formerly treated in a chapter on Property is now treated in a chapter entitled Sales and Mortgages, and chapters on Inheritance and Foreign Administration are combined in a chapter entitled "Administration of Estates."

An exhaustive bibliography of law review articles increases the value of the book.

An eminent authority on the Conflict of laws once expressed the opinion that it was impossible to teach the subject properly by the use of cases. A perusal of this book might have persuaded him to revise his opinion.

W. H. Hitchler.

CASES ON CONSTITUTIONAL LAW

By Walter F. Dodd, Professor of Law, Yale University. American Casebook Series. St. Paul, West Publishing Company, 1932. pp. 1509.

This casebook is one of four recent ones on constitutional law. The others are by Field, McGovney and Rotschaefer. The issuance of so many case collections almost simultaneously manifests a growing appreciation of the field of constitutional laws as a separate course in legal training. This same appreciation is manifested by the liberal use made of constitutional law problems in recent bar examinations.

The editor of the present book has made an effort to include most of the cases of historical importance rather than an effort to select cases of more recent date on the same points. In the absence of outstanding cases of historic importance recent cases involving present day important problems have been selected. The opposite tendency is manifested by Rottschaefer in his selection of cases to be presented. On the whole, the cases selected by Dodd present more mental stimulation for students than does the Rottschaefer method. Most of the earlier cases were decided on reason and logic rather than on authority and precedent and the study of the former cases is usually a real intellectual exercise. The selection of more recent cases tends, however, to give the student cases of more interest to him and gives to the study of constitutional law more force and vitality. Our preference is for the selection of more recent cases, particularly those containing a summation of the earlier cases, not ignoring, of course, those of outstanding historical importance such as *Brown v. Maryland*, etc.

In our opinion the footnotes of Dodd are much more helpful than those of Rottschaefer. Those of the latter are almost entirely leading and suggestive merely, containing little or no information as to the holdings of the cases cited, etc. Students should, of course, discover this information for themselves from the suggested sources but practice teaches us that by few will avail themselves of this opportunity. Dodd, on the other hand, includes in his notes much informational matter of the holdings of the cases cited, contrary views to the principal case, etc., at the same time not ignoring suggestive notes. We prefer the latter method.

The author has included with his cases some text material. The text material is so limited, however, that the book cannot be said to be a combination text and casebook. Such inclusions might have been more numerous and the utility of the book thus enhanced. Frequent use has been made of limited excerpts from cases, presenting the material much in the manner of text material. The result is the inclusion of many more cases than will be found in some of the other

casebooks on the subject. Such a method seems advisable to prevent some of the many gaps that must exist in any casebook on constitutional law. The cutting and pruning of such cases seems to be very wisely done.

The arrangement of topics, the selection of topics to be included and omitted, the relative space to be devoted to the varying topics—vital matters in editing a casebook—are admirably done in this volume. A wide use of the present casebook by law schools is confidently predicted.

H. S. Irwin.